

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF WEST VIRGINIA
AT CHARLESTON

RAFAEL GARCIA SERRATO,

Movant,

v.

Civil Action No. 2:18-cv-00295

UNITED STATES OF AMERICA,

Respondent.

ORDER

Pending is movant Rafael Garcia Serrato's motion under 28 U.S.C. § 2255 to vacate, set aside or correct sentence by a person in federal custody, filed February 12, 2018. This action was previously referred to United States Magistrate Judge Omar J. Aboulhosn for submission to the court of his Proposed Findings and Recommendation ("PF&R") for disposition pursuant to 28 U.S.C. § 636(b)(1)(B). On August 31, 2020, the magistrate judge entered his PF&R recommending that the court deny movant's motion and dismiss this civil action with prejudice. Movant has not filed timely objections to the PF&R.¹ See 28 U.S.C. §

¹ The PF&R was originally mailed to the address listed in movant's § 2255 motion, at FCI La Tuna in Anthony, Texas on August 31, 2020. The mail was returned to sender as undeliverable on September 21, 2020. The Clerk then resent the PF&R to movant's address, as reflected on the Bureau of Prisons website, at Big Spring Correctional Institution in Big Spring,

636(b) (1) (party has fourteen days from service of PF&R to file objections); see also Fed. R. Crim. P. 45(c) (providing an additional three days where service is made by mail).

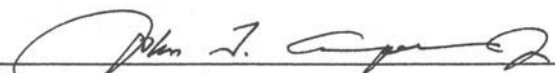
Movant having not filed any objections to the PF&R, it is ORDERED that the findings made in the PF&R of the magistrate judge be, and they hereby are, adopted by the court and incorporated herein.

Accordingly, it is ORDERED that:

1. The magistrate judge's PF&R entered August 31, 2020 be, and it hereby is, adopted and incorporated in full.
2. The petition for writ of habeas corpus pursuant to 28 U.S.C. § 2255 be, and it hereby is, dismissed.
3. This action is stricken from the court's docket.

The Clerk is directed to forward copies of this written opinion and order to movant, all counsel of record, and the United States Magistrate Judge.

ENTER: November 13, 2020


John T. Copenhaver, Jr.
Senior United States District Judge

Texas on the day it was returned. The mail has not since been returned as undeliverable.